

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT L. SMITH, JR.)
)
v.) NO. 3:05-0860
) JUDGE CAMPBELL
CAPTAIN K. BAUGH, et al.)


ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 124), Plaintiff's Objections thereto (Docket No. 126), and Defendants' Response to the Objections (Docket No. 127). The Court has reviewed the Report and Recommendation, Plaintiff's Objections, Defendants' Response, and the file.

The Plaintiff's Objections are overruled, and the Report and Recommendation of the Magistrate Judge (Docket No. 124) is adopted and approved. Accordingly, Plaintiff's Motion for Summary Judgment and for Sanctions (Docket No. 107) is DENIED, and Plaintiff's claims against Defendant Angelo Gola are DISMISSED without prejudice pursuant to Fed. R. Civ. P. 4(m).

This case remains set for trial on October 30, 2007.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE